

LAWS AND REGULATIONS RELATING TO

Licensure as an Interpreter



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The Kentucky Board of Interpreters for the
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The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

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Kentucky Revised Statutes

309.300 Definitions for KRS 309.300 to 309.319.

As used in KRS 309.300 to 309.319, unless the context otherwise requires:

- (1) "Board" means Kentucky Board of Interpreters for the Deaf and Hard of Hearing.
- (2) "Committee" means Kentucky Board of Interpreters for the Deaf and Hard of Hearing Policy Committee.
- (3) "Consumer" means a person who is deaf, hard of hearing, or who requires special communication techniques in order to communicate.
- (4) "Interpreter" means a person who engages in the practice of interpreting.
- (5) "Interpreting" means the translating or transliterating of English concepts to any necessary specialized vocabulary used by a consumer or the translating of a consumer's specialized vocabulary to English concepts. Necessary specialized vocabularies include, but are not limited to, American Sign Language, English-based sign language, cued speech, and oral interpreting.
- (6) "Nationally recognized certification" means certification granted by a national organization that is based on a skills assessment of the applicant. These organizations include, but are not limited to, the Registry of Interpreters for the Deaf, the National Association of the Deaf, and the National Training, Evaluation, and Certification Unit.

309.301 Licensing for interpreters required -- Exceptions.

- (1) Effective July 1, 2003, no person shall represent himself or herself as an interpreter or engage in the practice of interpreting as defined in KRS 309.300 unless he or she is licensed in accordance with the provisions of KRS 309.300 to 309.319.
- (2) The provisions of KRS 309.300 to 309.319 shall not apply to:
 - (a) Nonresident interpreters working in the Commonwealth less than twenty (20) days per year;
 - (b) Interpreters working at religious activities;
 - (c) Interpreters working as volunteers without compensation. However, all volunteers interpreting for state agencies must be eligible for licensure as described in KRS 309.312;
 - (d) Interpreters working in an emergency. An emergency is a situation where the consumer decides that the delay necessary to obtain a licensed interpreter is likely to cause injury or loss to the consumer; or
 - (e) The activities and services of an interpreter intern or a student in training who is:
 1. Enrolled in a program of study in interpreting at an accredited institution of higher learning;
 2. Interpreting under the supervision of a licensed interpreter as part of a supervised program of study; and
 3. Identified as an interpreter intern or student in training.

309.302 Kentucky Board of Interpreters for the Deaf and Hard of Hearing.

- (1) There is hereby created a board to be known as the "Kentucky Board of Interpreters for the Deaf and Hard of Hearing."
- (2) The board shall consist of seven (7) members appointed by the Governor as follows:
 - (a) Five (5) practicing interpreters who hold current nationally recognized certification and have at least five (5) years interpreting experience;
 - (b) One (1) deaf interpreter with past or current nationally recognized certification; and
 - (c) One (1) consumer with knowledge about interpreter issues.

(3) After the initial term of each appointment, all members shall be appointed for a term of four (4) years.

(4) Board members shall not be allowed to succeed themselves but a former member may be reappointed to the board if that member has not served in the preceding four (4) years.

(5) The members of the board shall receive no compensation for their services on the board, but they shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(6) The board shall annually elect a chairman, a vice chairman, and a secretary-treasurer from the members of the board.

(7) The board shall hold at least one (1) meeting annually and additional meetings as the board may deem necessary. The additional meetings may be held upon call of the chairman or upon written request of a quorum. Four (4) members of the board shall constitute a quorum to conduct business.

(8) Upon recommendation of the board, the Governor may remove any member of the board for neglect of duty or malfeasance in office.

309.304 Powers and duties of board -- Administrative regulations.

(1) The board shall administer and enforce the provisions of this chapter and shall have the responsibility of evaluating the qualifications of applicants for licensure and the issuance of licenses.

(2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths, and investigate allegations of practices violating the provisions of this chapter.

(3) The board shall promulgate necessary and reasonable administrative regulations in accordance with KRS Chapter 13A and this chapter to effectively carry out and enforce the provisions of KRS 309.300 to 309.319, including regulations to establish authorized fees. Fees shall not exceed amounts necessary to generate sufficient funds to effectively carry out and enforce the provisions of KRS 309.300 to 309.319.

(4) The board may conduct hearings in accordance with KRS Chapter 13B and keep records and minutes necessary to carry out the functions of KRS 309.300 to 309.312.

(5) The board may renew licenses and require continuing education as a condition for renewal.

(6) The board may suspend or revoke licenses, or impose supervisory or probationary conditions upon licensees, or impose administrative disciplinary fines, issue written reprimands, or any combination thereof.

(7) The board may seek injunctive relief in Franklin Circuit Court to stop the unlawful practice of interpreting by unlicensed persons.

(8) The board may employ any persons it deems necessary to carry on the work of the board, and shall define their duties and fix their compensation.

(9) Beginning in 1999, on October 1 of each year, the board shall submit a report to the Legislative Research Commission indicating:

(a) The current number of licensed interpreters; and

(b) The number of complaints received against interpreters and any disciplinary action taken within the previous calendar year.

309.306 Fees credited to revolving fund.

(1) All fees and other moneys received by the board under the provisions of KRS 309.300 to 309.319 shall be deposited in the State Treasury to the credit of a revolving fund for the use of the board.

(2) No part of this revolving fund shall revert to the general fund of this Commonwealth.

(3) This revolving fund shall pay for the reimbursement of board members for actual and necessary expenses incurred in the performance of their official duties, the compensation of all of

the employees of the board, and those operational expenses incurred in fulfilling the board's duties as described in administrative regulation.

309.308 Kentucky Board of Interpreters for the Deaf and Hard of Hearing Policy Committee.

(1) There is hereby created a committee to be known as the "Kentucky Board of Interpreters for the Deaf and Hard of Hearing Policy Committee."

(2) The committee shall consist of eleven (11) members as follows:

(a) The president or a designee of:

1. Kentucky Association of the Deaf; and
2. Kentucky Registry of Interpreters for the Deaf;

(b) A representative from:

1. Kentucky Commission on the Deaf and Hard of Hearing (KCDHH);
2. Eastern Kentucky University Interpreter Training Program;
3. Kentucky Department of Education;
4. Kentucky Department of Vocational Rehabilitation;
5. Kentucky School for the Deaf;
6. Cabinet for Families and Children; and
7. Cabinet for Health Services; and

(c) Two members-at-large, who are consumers, appointed by the board.

(3) The members of the committee shall receive no compensation for their services on the committee. The member from the Kentucky Association of the Deaf, the member from the Kentucky Registry of Interpreters for the Deaf, and the members-at-large shall be reimbursed for actual and necessary expenses incurred in the performance of their committee duties.

309.310 Duties of policy committee.

(1) The committee shall provide ongoing advice and input to the board regarding the criteria for licensure and the ratio between consumer demand and the existing supply of licensed interpreters or those eligible for licensure.

(2) The committee shall make recommendations to the board regarding the content of relevant administrative regulations.

(3) The committee shall provide ongoing review of professional development and support systems for interpreters including existing public and private education programs and training resources within the Commonwealth.

309.312 Eligibility for license and temporary license.

(1) To be eligible for licensure by the board as an interpreter, the applicant shall submit an application which includes:

(a) An application fee; and (b) Current certification from a nationally recognized organization at the requisite level for sign language interpreters, oral interpreters, or cued speech transliterators as determined by the board and promulgated by administrative regulation.

(2) The board shall issue an interpreter license to an applicant who fulfills these requirements. The front of the license shall clearly list all certifications held by the licensee.

(3) The board may issue a temporary license as an interpreter to an applicant who is certified at a level below that required for licensure in subsection (1) of this section. A temporary license shall be available for a person who is training under the supervision of a licensed interpreter under circumstances defined by the board in administrative regulation. A temporary license is valid for only a certain period until the licensee achieves the minimum level of certification required for licensure under subsection (1) of this section. A temporary license is not renewable although extensions may be granted under circumstances defined by administrative regulation.

(a) For graduates of a baccalaureate interpreter training program, a temporary license shall be valid for up to one (1) year.

(b) For graduates of an associate of arts interpreter training program, a temporary license shall be valid for up to two (2) years.

(c) For nondegree applicants, a temporary license shall be valid for up to two (2) years.

(4) Upon payment of the application fee, the board shall grant licensure to an applicant holding a valid license, certificate, or equivalent issued by another state if it is based upon standards equivalent to or exceeding the standards required by KRS 309.300 to 309.319.

309.314 Renewal and reinstatement of license -- Continuing education.

(1) Each person licensed as an interpreter shall annually, on or before July 1, submit to the board current proof of nationally recognized certification and pay a fee for the renewal of the interpreter license. The amount of the fee shall be promulgated by administrative regulation of the board. All licenses not renewed by July 1 of each year shall expire.

(2) A sixty (60) day grace period shall be allowed after July 1, during which time individuals may continue to practice and may renew their licenses upon payment of the renewal fee plus a late renewal fee as promulgated by administrative regulation of the board.

(3) All licenses not renewed by August 31 shall terminate based on the failure of the individual to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice in the Commonwealth.

(4) After the sixty (60) day grace period, but before five (5) years from the date of termination, individuals with a terminated license may have their licenses reinstated upon payment of the renewal fee plus a reinstatement fee as promulgated by administrative regulation of the board.

(5) A suspended license is subject to expiration and termination and may be renewed as provided in KRS 309.300 to 309.319. Renewal shall not entitle the licensee to engage in the practice of interpreting until the suspension has ended or is otherwise removed by the board and the right to practice is restored by the board.

(6) A revoked license is subject to expiration and termination but shall not be renewed. If it is reinstated, the licensee shall pay the reinstatement fee as set forth in subsection (4) of this section and the renewal fee as set forth in subsection (1) of this section.

(7) The board may require that a person applying for renewal or reinstatement of licensure show evidence of completion of continuing education as prescribed by the board by administrative regulation.

309.316 Classification of offenses -- Investigation of wrongdoing -- Hearing -- Sanctions -- Hearing for denial of application..

(1) The board shall by administrative regulation classify types of offenses and the recommended administrative action. The type of action to be taken shall be based on the nature, severity, and frequency of the offense. Administrative action authorized in this section shall be in addition to any criminal penalties provided in KRS 309.300 to 309.319 or under other provisions of law.

(2) The board may investigate allegations of wrongdoing upon complaint or upon its own volition. The board shall establish procedures for receiving and investigating complaints by administrative regulation.

(3) If the board's investigation reveals evidence supporting the complaint, the board shall set the matter for hearing in accordance with the provisions of KRS Chapter 13B before suspending, revoking, imposing probationary or supervisory conditions or an administrative fine, issuing a written reprimand, or any combination of actions regarding any license under the provisions of this chapter.

(4) If, after an investigation that includes opportunity for the licensee to respond, the board determines that a violation took place but was not of a serious nature, it may issue a written admonishment to the licensee. A copy of the admonishment shall be placed in the permanent file of the licensee. The licensee shall have the right to file a response to the

admonishment within thirty (30) days of its receipt and to have the response placed in the permanent licensure file. The licensee may alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for hearing under the provisions of KRS Chapter 13B.

(5) After denying an application under the provisions of KRS 309.300 to 309.319, the board may grant a hearing to the denied applicant in accordance with the provisions of KRS Chapter 13B.

309.318 Board's disciplinary powers -- Reasons for sanctions -- Appeal to Franklin Circuit Court.

(1) The board may refuse to issue a license or suspend, revoke, impose probationary conditions upon, impose an administrative fine, issue a written reprimand, or any combination thereof regarding any licensee upon proof that the licensee has:

(a) Been convicted of a crime as described in KRS 335B.010(4) or an offense that otherwise directly relates to the occupation of interpreter. A plea of "no contest" may be treated as a conviction for purposes of disciplinary action;

(b) Knowingly misrepresented or concealed a material fact in obtaining a license or in reinstatement thereof;

(c) Committed any fraudulent act or practice;

(d) Been incompetent or negligent in the practice of interpreting;

(e) Violated any state statute or administrative regulation governing the practice of interpreting;

(f) Violated the code of ethics of the national organization issuing the licensee's certification as incorporated in administrative regulation; or

(g) Violated any federal or state law considered by the board to be applicable to the practice of interpreting.

(2) When the board issues a written reprimand to the licensee, a copy of the reprimand shall be placed in the permanent file of the licensee. The licensee shall have the right to submit a response within thirty (30) days of its receipt and to have that response filed in the permanent file.

(3) At any time during the investigative or hearing processes, the board may accept an assurance of voluntary compliance from the licensee which effectively deals with the complaint.

(4) The board may reconsider, modify, or reverse its probation, suspensions, or other disciplinary action.

(5) Five (5) years from the date of a revocation, any person whose license has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the license upon a finding that the individual has complied with any terms prescribed by the board and is again able to competently engage in the practice of interpreting.

(6) Any party aggrieved by a disciplinary action of the board may bring an action in Franklin Circuit Court in accordance with the provisions of KRS Chapter 13B.

309.319 Penalty.

Any person who shall violate or aid in the violation of any of the provisions of KRS 309.301 shall be guilty of a Class B misdemeanor.

Kentucky Administrative Regulations

201 KAR 39:020. Board member expenses.

RELATES TO: KRS 309.302(5), 309.306(3)

STATUTORY AUTHORITY: KRS 309.304(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.302(5) provides that members of the board shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties. This administrative regulation authorizes board members to receive reimbursement for actual and necessary expenses when conducting board-related business.

Section 1. The board members shall receive reimbursement for actual expenses and travel expenses to the extent authorized by 200 KAR Chapter 2.

201 KAR 39:030. Application; qualifications for licensure; and certification levels.

RELATES TO: KRS 309.304(1), 309.312(1)(b)

STATUTORY AUTHORITY: KRS 309.304(3), 309.312(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) and 309.312(1)(b) require the Kentucky Board of Interpreters for the Deaf and Hard of Hearing to promulgate an administrative regulation establishing the requirements for an applicant for licensure as an interpreter for the deaf and hard of hearing. This administrative regulation establishes these requirements.

Section 1. Definition. "RID" means the Registry of Interpreters for the Deaf.

Section 2. Application. Each applicant for a license shall submit:

- (1) A completed "Application for Licensure" form to the board; and
- (2) Pay the application and license fee as set forth in 201 KAR 39:040.

Section 3. Certification Levels. In order to receive a license, an applicant shall submit with an application, proof of holding one (1) or more of the following certifications of competence or completion assessments:

- (1) Current certification by the Registry of Interpreters for the Deaf in:

- (a) Comprehensive Skills Certificate (CSC). Holders of this full certificate have demonstrated the ability to interpret between American Sign Language and Spoken English and to transliterate between spoken English and an English-based sign language;

- (b) Certificate of Transliteration (CT). Holders of this certificate are recognized as fully certified in transliteration and have demonstrated the ability to transliterate between English-based sign language and spoken English in both sign-to-voice and voice-to-sign. The transliterator's ability to interpret is not considered in this certification;

- (c) Certificate of Interpretation (CI). Holders of this certificate are recognized as fully certified in interpretation and have demonstrated the ability to interpret between American Sign Language and spoken English in both sign-to-voice and voice-to-sign. The interpreter's ability to transliterate is not considered in this certification;

- (d) Interpreting Certificate/Transliteration Certificate (IC/TC). Holders of this partial certificate demonstrated ability to transliterate between English and a signed code for English and the ability to interpret between American Sign Language and spoken English;

- (e) Reverse Skills Certificate (RSC). Holders of this full certificate demonstrated the ability to interpret between American Sign Language and English-based sign language or transliterate between spoken English and a signed code for English. Holders of this certificate are deaf or hard-of-hearing and interpretation/transliteration is rendered in American Sign Language, spoken English, a signed code for English or written English;

- (f) Certified Deaf Interpreter (CDI). Holders of this certification are interpreters who are deaf or hard-of-hearing and who have demonstrated a minimum of one (1) year experience

working as an interpreter, completion of at least eight (8) hours of training on the RID Code of Ethics, and eight (8) hours of training in general interpretation as it relates to the interpreter who is Deaf or Hard-of-Hearing;

(g) **Certified Deaf Interpreter Provisional (CDI-P).** Holders of this provisional certification are interpreters who are deaf or hard-of-hearing and who have demonstrated a minimum of one (1) year experience working as an interpreter, completion of at least eight (8) hours of training on the RID Code of Ethics, and eight (8) hours of training in general interpretation as it relates to the interpreter who is deaf or hard-of-hearing. Provisional certification is valid until one (1) year after the certified deaf interpreter written and performance test is available nationally. Provisional certificate holders shall take and pass the CDI examination in order to remain certified as a deaf interpreter;

(h) **Oral Transliteration Certificate (OTC).** Holders of this generalist certificate have demonstrated ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf and hard-of-hearing;

(i) **Interpretation Certificate (IC).** Holders of this partial certificate demonstrated ability to interpret between American Sign Language and spoken English;

(j) **Transliteration Certificate (TC).** Holders of this partial certificate demonstrated the ability to transliterate between spoken English and a signed code for English;

(k) **Conditional Legal Interpreting Permit (CLIP).** Holders of this conditional permit have completed a RID recognized training program designed for interpreters and transliterators who work in legal settings. Generalist certification (CI and CT, or CSC) is required prior to enrollment in the training program. This permit is valid until one (1) year after the specialist certificate: legal written and performance test is available nationally. CLIP holders shall take and pass the new legal certification examination in order to maintain certification in the specialty area of interpreting in legal settings. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting;

(l) **Conditional Legal Interpreting Permit-Relay (CLIP-R).** Holders of this conditional permit have completed a RID-recognized training program designed for interpreters and transliterators who work in legal settings and who are also deaf or hard-of-hearing. Generalist certification for interpreters or transliterators who are deaf or hard-of-hearing (RSC or CDI-P) is required prior to enrollment in the training program. This permit is valid until one (1) year after the specialist certificate: legal written and performance test for deaf interpreters is available nationally. CLIP-R holders shall take and pass the new legal certification examination in order to maintain certification in the specialized area of interpreting in legal settings. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting;

(m) **Master Comprehensive Skills Certificate (MCSC).** The MCSC examination was designed with the intent of testing for a higher standard of performance than the CSC. Holders of this certificate were required to hold the CSC prior to taking this exam. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments;

(n) **Specialist Certificate: Legal (SC:L).** Holders of this specialist certificate have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. Generalist certification and documented training and experience is required prior to sitting for this exam. Holders of the SC:L are recommended for a broad range of assignments in the legal setting;

(o) **Provisional Specialist Certificate: Legal (Prov. SC:L).** Holders of this provisional certificate hold generalist certification and have completed RID-approved training required prior to sitting for the SC:L exam. This provisional certification is valid until one (1) year after the specialist certificate: legal written and performance test is available nationally. Holders of this certificate are recommended for assignments in the legal setting;

(p) **Specialist Certificate: Performing Arts (SC:PA).** Holders of this certificate were required to hold RID generalist certification (CSC) prior to sitting for this examination and have

demonstrated specialized knowledge in performing arts interpretation. Holders of this certificate are recommended for a broad range of assignments in the performing arts setting;

(q) Oral Interpreting Certificate: Comprehensive (OIC:C). Holders of this generalist certificate demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard-of-hearing;

(r) Oral Interpreting Certificate: Spoken to Visible (OIC:S/V). Holders of this partial certificate demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing. This individual received scores on the OIC:C examination which prevented the awarding of full OIC:C certification; or

(s) Oral Interpreting Certificate: Visible to Spoken (OIC:V/S). Holders of this partial certificate demonstrated ability to understand the speech and silent mouth movements of a person who is deaf or hard-of-hearing and to repeat the message for a hearing person. This individual received scores on the OIC:C examination which prevented the awarding of full OIC:C certification.

(2) Current certification by the National Association for the Deaf in:

(a) Level V Masters;

(b) Level IV Advanced; or

(c) CUED Speech - National Training, Evaluation, and Certification Unit;

(3) Other certifications as described in 201 KAR 39:080 or as required by federal law.

Section 4. Incorporation by Reference. (1) "Application for License," 2001 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5:00 p.m.

201 KAR 39:040. Fees.

RELATES TO: KRS 309.312(1)(a), (4), 309.314(1), (2), (4), (6)

STATUTORY AUTHORITY: KRS 309.304(3), 309.314(1), (2), (4)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation is necessitated by KRS 309.304(3) and sets forth in detail all fees charged by the board.

Section 1. Application Fee. (1) The application fee for initial licensure shall be fifty (50) dollars.

(2) The application fee for initial temporary license shall be fifty (50) dollars.

(3) Application fees shall not be refundable.

Section 2. Initial Licensure Fee. (1) The initial licensure fee for licensure shall be \$100.

(2) The initial licensure fee for a temporary license shall be fifty (50) dollars.

(3) If the initial licensure application is denied the initial licensure fee may be refunded upon written request of the applicant.

Section 3. Renewal and Extension Fees. (1) The annual renewal fee for licensure shall be seventy-five (75) dollars.

(2) The fee to extend a temporary license shall be fifty (50) dollars.

(3) Renewal fees and extension fees shall not be refundable.

Section 4. Late Renewal and Extension Fees. (1) All licenses renewed during the sixty (60) day grace period shall require payment of a late renewal fee of sixty (60) dollars in addition to the current renewal fee set forth in Section 3 of this administrative regulation.

(2) All temporary licenses extended during the sixty (60) day grace period shall pay a late fee of thirty-five (35) dollars in addition to the current extension fee set forth in Section 3 of this administrative regulation.

(3) Late renewal and extension fees shall not be refundable.

Section 5. Reinstatement Fee. (1) The reinstatement fee for a license terminated pursuant to KRS 309.314(3) shall be \$125, in addition to the current renewal fee as set forth in Section 3 of this administrative regulation.

(2) The reinstatement fees shall not be refundable.

Section 6. Fee for a Reciprocal License. (1) The fee for a reciprocal license shall be \$250.

(2) The reciprocal license fee shall not be refundable.

Section 8. Duplicate License Fee. The fee for a duplicate license shall be ten (10) dollars.

201 KAR 39:050. Renewal of licenses and extension of temporary licenses.

RELATES TO: KRS 309.304(5), 309.312, 309.314

STATUTORY AUTHORITY: KRS 309.304(3), 309.312, 309.314

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.314 establishes requirements for annual renewal of the license. This administrative regulation sets forth that process in detail.

Section 1. Definitions. (1) "CDI" means a Certified Deaf Interpreter.

(2) "EIPA" means Education Interpreter Performance Assessment.

(3) "ESSE: I" means Educational Signs Skills Evaluation: Interpreting.

(4) "ESSE: R" means Educational Signs Skills Evaluation: Receptive.

(5) "NAD" means National Association for the Deaf.

(6) "NIC" means National Interpreter Certification.

(7) "Nondegreed applicant" means an individual who has either no degree or a degree other than an interpreter training program degree.

(8) "RID" means Registry of the Interpreters for the Deaf.

(9) "SCPI" means Sign Communication Proficiency Interview.

Section 2. Renewal of Licenses. A person licensed as an interpreter shall renew that license annually, as required by KRS 309.314(1) by submitting the following to the board:

(1) A completed "License Renewal Application" Form;

(2) The renewal fee as established in 201 KAR 39:040, Section 3;

(3) Proof of current certification of the licensee as established in 201 KAR 39:030; and

(4) Documentation of completion of the continuing education requirement established in 201 KAR 39:090, Section 2(1).

Section 3. A license not renewed by July 1, may be renewed during the following sixty (60) day period, in accordance with KRS 309.314(2), by:

(1) Complying with the requirements established in Section 1 of this administrative regulation; and

(2) Submitting the late renewal fee established in 201 KAR 39:040, Section 4(1).

Section 4. A license not renewed prior to the close of the sixty (60) day grace period, in accordance with KRS 309.314(4), may be reinstated upon:

(1) Payment of the renewal fee plus a reinstatement fee as established by 201 KAR 39:040, Section 5(1);

(2) Submission of a completed "License Reinstatement Application" Form to the board;

(3) Submission of evidence of completion of continuing education as required by 201 KAR 39:090, Section 10; and

(4) Completion of the requirements of Section 5 of this administrative regulation.

Section 5. Extensions of Temporary Licenses. Effective July 1, 2007, an application for extension of a temporary license for 2007/2008 shall be classified as a first renewal and the applicant's first request for an extension. Subsequent requests for extension shall meet the requirements of subsection 1, 2, or 3 of this section. An applicant who comes into the system after July 1, 2007 shall meet the applicable requirements for the first request for an extension.

(1) Requirements for graduates of a degreed interpreter training program.

(a) A graduate of a baccalaureate or associate interpreter training program may apply on or before July 1, for a first extension of a temporary license by submitting:

1. A copy of the test results of either the RID written exam or the NIC written exam; or

2. Documentation of a valid NAD Level III certification.
- (b) An extension shall be valid for one (1) year.
- (c) In order to obtain a second one (1) year extension, a graduate shall submit, on or before July 1, proof that the graduate:
 1. Has taken and passed either the RID written exam or NIC written exam; or
 2. Holds a valid NAD III certification.
- (d) In order to obtain a third and final one (1) year extension, a graduate shall submit, on or before July 1, proof that the graduate has taken either the RID performance exam or the NIC performance exam.
- (e) An extension may be granted pending test results.
- (2) Requirements for nondegreed applicants.
 - (a) NAD III or SCPI: advanced certified.
 1. A nondegreed applicant who is either NAD III or SCPI: advanced certified and who interprets in both the community and a P-12 educational setting is entitled to a maximum of three (3) extensions.
 2. To obtain the first extension, an applicant shall submit, on or before July 1, proof of:
 - a. Valid NAD III certification; or
 - b. Having passed the NIC or RID written exam.
 3. To obtain a second extension, an applicant shall submit, on or before July 1, proof of:
 - a. Certification of NAD III or SCPI: advanced; and
 - b. Having taken either the RID or NIC performance exam.
 4. To obtain a third and final extension, an applicant shall submit, on or before July 1, proof of:
 - a. NAD III certification; or
 - b. SCPI: advanced certification.
 - (b) Nondegreed applicants who are not NAD III certified and work in a P-12 educational setting.
 1. In order to obtain a first extension, an applicant shall submit, on or before July 1, proof of:
 - a. An EIPA score of three and five tenths (3.5) or higher;
 - b. An ESSE: I score of four and zero tenths (4.0) or higher and an ESSE: R score of four and zero tenths (4.0) or higher;
 - c. SCPI: advanced certification; or
 - d. Test results of either the RID written exam or the NIC written exam.
 2. In order to obtain a second extension, an applicant shall submit, on or before July 1, proof that the applicant has taken and passed the RID written exam or the NIC written exam.
 3. In order to obtain a third and final extension, an applicant shall submit, on or before July 1, proof of having taken either the RID performance exam or the NIC performance exam.
 - (c) Deaf applicants interpreting in the community and a P-12 educational setting.
 1. In order to obtain a first extension, a deaf applicant shall submit, on or before July 1, a copy of the test results of the CDI written exam.
 2. In order to obtain a second extension, a deaf applicant shall submit, on or before July 1, proof of having passed the CDI written exam.
 3. In order to obtain a third and final extension, a deaf applicant shall submit, on or before July 1, proof of having taken the CDI performance exam.
- Section 6. To request an extension of a temporary license a licensee shall submit to the board:
 - (1) A completed "Temporary License Extension Application" Form;
 - (2) A report from a supervisor describing the progress achieved by the person who was supervised and a recommendation from the supervisor as to whether the license should be extended;

(3) Proof of completion of the continuing education requirements as set forth in 201 KAR 39:090;

(4) An explanation of the need for the extension request; and

(5) The fee set forth in 201 KAR 39:040, Section 4(2).

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "License Renewal Application, 2001" Form;

(b) "License Reinstatement Application, 2001" Form; and

(c) "Temporary License Extension, 2001" Form.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5:00 p.m.

201 KAR 39:060. Reinstatement of license subject to disciplinary action.

RELATES TO: KRS 309.318

STATUTORY AUTHORITY: KRS 309.304(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.318 authorizes the board to discipline a licensee for violation of the statutes and administrative regulations governing the practice of interpreting. KRS 309.318(5) permits a person whose license has been revoked to apply for reinstatement after five (5) years. This administrative regulation establishes the requirements for reinstatement of a license that has been the subject of disciplinary action by the board.

Section 1. Definition. "A license voluntarily surrendered as if revoked" means the process by which a person who holds a license issued by the board, knowingly and willingly, returns the license to the board, forfeiting all rights and privileges associated with that license, in settlement of a disciplinary action initiated by the board.

Section 2. Reinstatement of a License Revoked by Disciplinary Action of the Board. (1) If a license has been revoked, an individual may apply for reinstatement by:

(a) Submitting a completed "License Reinstatement" Form;

(b) Paying the initial licensure fee as set forth in 201 KAR 39:040, Section 2 and the reinstatement fee as set forth in 201 KAR 39:040, Section 5;

(c) Submitting proof of qualification for licensure as set forth in 201 KAR 39:030, Sections 3 and 4; and

(d) Show evidence of completion of fifteen (15) hours of continuing education for each year since the date of revocation in accordance with the requirements established in 201 KAR 39:090, Section 10(1).

(2)(a) The board shall review the reinstatement request and determine whether to reinstate the license.

(b) Based upon the information submitted the board shall determine if the conditions for reinstatement listed in KRS 309.318(5) have been met.

(c) If the board finds that the conditions for reinstatement have been met, it shall reinstate the license.

(d) If the board finds that the conditions for reinstatement have not been met, or the applicant failed to comply with the requirements of this administrative regulation it shall refuse to reinstate the license. The applicant may then request, and the board shall grant a hearing on the denial conducted pursuant to KRS Chapter 13B.

Section 3. Reinstatement of a License which was Voluntarily Surrendered as if Revoked.

(1) If a license has been voluntarily surrendered as if revoked, an individual may apply for reinstatement by:

(a) Meeting of all of the requirements of Section 2(1) of this administrative regulation; and

(b) Providing documentation of the successful completion of all requirements established in the agreed order that resulted in the voluntary surrender of the license as if revoked.

(2) For a request for reinstatement of a license voluntarily surrendered as if revoked, the board shall review the reinstatement request, make its determination, and provide for an appeal in accordance with Section 2(2)(a) through (d) of this administrative regulation.

Section 4. Incorporation by Reference. (1) "License Reinstatement" Form, 2001, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Interpreters for the Deaf and Hard of Hearing, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday 8 a.m. to 5:00 p.m.

201 KAR 39:070. Application, qualifications, and certification levels for temporary licensure.

RELATES TO: KRS 309.312(1)(b), (3)

STATUTORY AUTHORITY: KRS 309.304(3), 309.312

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) and 309.312(1)(b) and (3) require the board to promulgate an administrative regulation establishing the requirements for an applicant for temporary licensure as an interpreter for the deaf and hard of hearing. This administrative regulation establishes the requirements regarding temporary licensure.

Section 1. Definitions. (1) "Board-approved mentor" means a licensed interpreter:

(a) In this state or the resident of another state who can meet the requirements for licensure in this state as set forth in KRS Chapter 309 and the administrative regulations promulgated pursuant thereto;

(b) Who holds a valid certificate from the NAD Level IV or V, the RID, or the NAD-RID National Interpreter Certification (NIC) for a minimum of three (3) years prior to serving as a mentor; and

(c) Who has completed forty-five (45) hours of continuing education since obtaining certification.

(2) "NAD" means National Association for the Deaf.

(3) "RID" means Registry of the Interpreters for the Deaf.

(4) "SCPI" means Sign Communication Proficiency Interview.

Section 2. Application for Licensure. (1) Each applicant shall submit:

(a) A completed "Application for Licensure" Form;

(b) The appropriate application and licensure fees as required by 201 KAR 39:040, Sections 1(2) and 2(2);

(c) A "Plan of Supervision for a Temporary Licensee" from a board approved mentor; and

(d) Certification of competence from the NAD in Level III Generalist.

(2) A deaf or hard of hearing applicant shall submit:

(a) SCPI: advanced plus certification or an American Sign Language Proficiency Interview (ASLPI) score of four (4) or better;

(b) Certificate or proof of a minimum of eight (8) hours of RID-approved training on the role and function of the deaf interpreter; and

(c) Certificate or proof of a minimum of eight (8) hours of RID-approved training on the NAD-RID code of professional conduct or RID code of ethics.

(3) In lieu of the certification required in subsection (1)(d) of this section, an applicant working in a P-12 educational setting may submit proof of successful completion of the:

(a) SCPI - intermediate plus level or above; or

(b) Educational Interpreter Performance Assessment (EIPA) with a score of three and zero tenths (3.0) or above; or

(c) Educational Sign Skills Evaluation: Interpreting (ESSE: I) with a score of 3.5 - 3.9 and Educational Sign Skills Evaluation: Receptive (ESSE: R) with a score of 3.5 - 3.9;

(d) Eight (8) hours training on the role and function of an interpreter; and

(e) Certificate or proof of a minimum of eight (8) hours of ethics-related training.

(4) In lieu of the certification required in subsection (1)(d) of this section, an applicant working in a community setting shall submit proof of:

- (a) 1. SCPI - advanced or above; or
- 2. American Sign Language Proficiency Interview score of four and zero tenths (4.0) or better; and
- (b) Eight (8) hours of training on the role and function of an interpreter; and
- (c) Certificate or proof of a minimum of eight (8) hours of ethics-related training.

Section 3. Supervision Requirements. (1) Each applicant for a temporary license shall be trained and supervised by a board approved mentor.

(2) During the period of training and supervision the mentor shall meet with each licensee on a quarterly basis. One (1) of these meetings shall be on a face-to-face basis with each person being mentored. The remaining meetings may be through the use of video or video teleconferencing or any other method outlined in the approved plan of supervision.

(3) A mentor shall contract with no more than twenty (20) temporary licensees during a calendar year.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Application for Temporary License", 2001; and
 - (b) "Plan of Supervision for a Temporary Licensee" 2001.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5:00 p.m.

201 KAR 39:080. Reciprocity.

RELATES TO: KRS 309.304(1), 309.312(4)

STATUTORY AUTHORITY: KRS 309.304(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.312(4) requires the board to promulgate an administrative regulation governing the granting of a license through reciprocity. This administrative regulation establishes the requirements for licensure by reciprocity.

Section 1. An applicant for licensure by reciprocity shall: (1) Hold a current, valid license in good standing to practice interpreting which has been granted by at least one (1) state, U.S. Territory, or the District of Columbia, or a Canadian province, which maintains an interpreter registration board;

(2) The standards or requirements for having granted that license shall meet or exceed the licensure requirements contained in KRS Chapter 309 and the accompanying administrative regulations;

(3) Not have a report of disciplinary action pending in another state or province; and

(4) Submit the reciprocity fee as set forth in 201 KAR 39:040, Section 7.

201 KAR 39:090. Continuing education requirements.

RELATES TO: KRS 309.304(5)

STATUTORY AUTHORITY: KRS 309.304(3), 309.314(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.314(7) authorizes the board to promulgate an administrative regulation that requires interpreters who apply for renewal or reinstatement to show evidence of completion of continuing education. This administrative regulation delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Definition. "One (1) continuing education hour" means sixty (60) contact minutes of participating in continuing education experiences.

Section 2. Accrual of Continuing Education Hours Mandatory for Full Licensure; Computation of Accrual. (1) A person who is licensed as an interpreter shall have earned a total of fifteen (15) hours of approved continuing education during the compliance period, prior to renewal of his or her license for the next licensure period.

(2) A minimum of half of the fifteen (15) hours shall be from any of the following sources, alone or in combination, which have been preapproved by the board:

- (a) Alexander Graham Bell Association of the Deaf;
- (b) American Sign Language Teacher Association;
- (c) National Association of the Deaf;
- (d) National Educational Interpreters Conference;
- (e) Registry of Interpreters for the Deaf - Certificate Maintenance Program; or
- (f) Registry of Interpreters for the Deaf - Associate Continuing Education Training.

(3) A minimum of fifteen (15) continuing education hours shall be accrued by each licensee during the licensure period for renewal for the following year.

(4) A minimum of three (3) total continuing education hours shall be related to ethics.

Section 3. Accrual of Continuing Education Hours Mandatory for Temporary Licensure; Computation of Accrual. (1) A person who holds a temporary license as an interpreter shall have earned a total of eighteen (18) hours of approved continuing education during the compliance period, prior to renewal or extension of his or her license for the next licensure period.

(2) A minimum of seven and one-half (7.5) of the eighteen (18) hours shall be from any of the following sources, alone or in combination, which have been preapproved by the board;

- (a) Alexander Graham Bell Association for the Deaf;
- (b) American Sign Language Teacher Association;
- (c) National Association of the Deaf;
- (d) National Educational Interpreters Conference;
- (e) Registry of Interpreters for the Deaf - Certificated Maintenance Program; or
- (f) Registry of Interpreters for the Deaf - Associate Continuing Education Training.

(3) A minimum of three (3) total continuing hours shall be related to ethics.

Section 4. Methods of Acquiring Continuing Education Hours. Continuing education hours applicable to the renewal of the license shall be directly related to the professional growth and development of an interpreter. The hours shall be earned by completing any of the following educational activities:

(1) Programs not requiring board review and approval. An educational program from any of the following providers shall be deemed to be relevant to the practice of interpreting and shall be approved without further review by the board:

- (a) A program sponsored or approved by the:
 - 1. Alexander Graham Bell Association of the Deaf;
 - 2. American Sign Language Teacher Association;
 - 3. National Association of the Deaf; or
 - 4. Registry of Interpreters for the Deaf; or

(b) An academic course offered by an accredited postsecondary institution that is directly related to interpreting. Credit shall only be granted for grades of "C" or above.

(2) Programs requiring board review and approval. A program from any of the following sources shall be reviewed and determined if the program is relevant and therefore subsequently approved by the board:

(a) Relevant programs, including home study courses and in-service training provided by other organizations, educational institutions, or other service providers approved by the board;

(b) Relevant programs or academic courses presented by the licensee. Presenters of relevant programs or academic courses may earn full continuing education credit for each contact hour of instruction, not to exceed three (3) hours of continuing education credits. Credit shall not be issued for repeated presentation of the same course.

(c) Authoring an article in a relevant, professionally-recognized, or juried publication. Credit shall not be granted for an article unless the article was published within the one (1) year period immediately preceding the renewal date. A licensee shall earn three (3) hours of continuing education credit toward the hours required for renewal. No more than one (1) publication shall be counted during a renewal period.

(d) A general education course, elective course, or a course designed to meet degree requirements offered by an accredited postsecondary institution. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equals one (1) continuing education hour. Credit shall only be granted for grades of "C" or above.

Section 5. Procedures for Preapproval of Continuing Education Sponsors and Programs.

(1) Any entity seeking to obtain approval of a continuing education program prior to its offering shall complete and submit the Application for Continuing Education Program Approval form to the board at least sixty (60) days in advance of the commencement of the program, stating the following:

- (a) A published course or similar description containing educational objectives;
- (b) Names and qualifications of the instructors;
- (c) A copy of the program agenda indicating hours of instruction, coffee and lunch breaks;
- (d) Number of continuing education hours offered; and
- (e) Official certificate of completion or college transcript from the sponsoring agency or college.

(2) A continuing education activity shall be qualified for approval if the board determines the activity being offered:

- (a) Is an organized program of learning;
- (b) Pertains to subject matters, which integrally relate to the practice of interpreting;
- (c) Contributes to the professional competency of the licensee; and
- (d) Is conducted by individuals who have educational training or experience acceptable to the board.

(3) A sponsor of continuing education requiring board approval shall be responsible for submitting a course offering to the board for review and approval before listing or advertising that offering as approved by the board.

Section 6. Responsibilities and Reporting Requirements of Licensees. A licensee shall be responsible for obtaining the required continuing education hours. He shall identify his own continuing education needs, take the initiative in seeking continuing education activities to meet these needs, and seek ways to integrate new knowledge, skills and attitudes. Each person holding a license shall:

- (1) Select approved activities by which to earn continuing education hours;
- (2) Submit to the board when applicable a request for approval for continuing education activities not approved by the board as set forth in Section 7 of this administrative regulation;
- (3) Maintain records of continuing education hours. Each licensee shall maintain all documentation verifying successful completion of continuing education hours for a period of two (2) years from the date of renewal. During each licensure renewal period, up to fifteen (15) percent of all licensees, chosen at random, shall be required by the board to furnish documentation of the completion of the appropriate number of continuing education hours for the current renewal period. Verification of continuing education hours shall not be otherwise reported to the board;

(4) Document attendance and participation in a continuing education activity in the form of official documents including transcripts, certificates, affidavits signed by instructors, receipts for fees paid to the sponsor, or less formal evidence including written summaries of experience that are not otherwise formally or officially documented in any way. The type of documentation required shall vary depending on the specific activity submitted to the board for approval; and

(5) Fully comply with the provisions of this administrative regulation. Failure to comply shall constitute a violation of KRS 309.318(1)(e) and may result in the refusal to renew, suspension, or revocation of the licensure.

Section 7. Procedures for Approval of Continuing Education Programs. A course, which has not been preapproved by the board, may be used for continuing education if approval is secured from the board for the course. In order for the board to adequately review a program, the following information shall be submitted:

- (1) A published course or similar description containing educational objectives; and
- (2) Names and qualifications of the instructors.

Section 8. Carry Over of Continuing Education Hours. A licensee may carry over continuing education hours earned in excess of those required under Section 2 of this administrative regulation for one (1) renewal period, after which time they expire. All carry-over hours shall comply with the requirements of Sections 2 through 4 of this administrative regulation.

Section 9. Board to Approve Continuing Education Hours; Appeal when Approval Denied. In the event of a denial, in whole or in part, of any application for approval of continuing education hours, the licensee shall have the right to request reconsideration by the board of its decision. The request shall be in writing, specifically stating the reasons for reconsideration, and shall be received by the board within thirty (30) days of the board's decision denying approval of continuing education hours.

Section 10. Waiver or Extensions of Continuing Education. All requests for waiver or extension shall accompany the License Renewal Application Form.

(1) Upon written request, the board shall consider whether to grant a waiver of continuing education requirements or an extension of time within which to fulfill the requirements, in the following cases:

- (a) Medical disability of the licensee;
- (b) Illness of the licensee or an immediate family member;
- (c) Death or serious injury of an immediate family member; or
- (d) For good cause shown.

(2) A written request for a waiver or extension of time involving medical disability or illness shall be:

- (a) Submitted by the person holding a license; and
- (b) Accompanied by a verifying document signed by a licensed physician.

(3) A request for a waiver or extension of the continuing education requirements applies only to the current licensure year.

(a) Subsequent requests for waiver or extension of the continuing education requirements shall be made at the time of licensure renewal.

(b) There shall be no limit to the number of waivers or extensions that the board may grant, as long as the applicant meets the requirements set forth in subsections (1) and (2) of this section.

Section 11. Continuing Education Requirements for Reinstatement of License. (1) A person requesting reinstatement of licensure shall submit evidence of completion of required hours of continuing education within the twelve (12) month period immediately preceding the date on which the request for reinstatement is submitted to the board.

(2) If the person seeking reinstatement does not meet the requirements established in subsection (1) of this section, the board may conditionally reinstate licensure, requiring the applicant to obtain required hours of continuing education within six (6) months of the date on which licensure is reinstated.

(3) The continuing education hours received in compliance with this section shall be in addition to the continuing education requirements established in Section 1 of this administrative regulation and shall not be used to comply with the requirements of that section.

Section 12. Incorporation by Reference. (1) "Continuing Education Application", 2001 form is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5:00 p.m.

201 KAR 39:100. Complaint procedure.

RELATES TO: KRS 309.304(7), 309.316, 309.318

STATUTORY AUTHORITY: KRS 309.304(3), 309.316(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.316(2) authorizes the board to establish procedures for receiving and investigating complaints. KRS 309.318 delineates the causes for which disciplinary action may be taken against a licensee. This administrative regulation establishes procedures for the filing, evaluation, and disposition of administrative complaints.

Section 1. Definitions. (1) "Case manager" means a member of the board appointed by the chair of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint.

(2) "Chair" means the chair or vice-chair of the board.

(3) "Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS 309.300 to 309.319, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.

(4) "Complaint" means any written or videotaped allegation of misconduct by a licensed individual that might constitute a violation of KRS 309.300 to 309.319, the administrative regulations promulgated thereunder, or any state or federal statute regulating the practice of interpreting.

(5) "Complaint screening committee" means a committee consisting of three (3) persons on the board appointed by the chairman of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint made up of board members, the executive director of the board, or another staff member.

(6) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.

(7) "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.

(8) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board.

Section 2. Receipt of Complaints. (1) A complaint:

(a) May be submitted by an:

1. Individual;
2. Organization; or
3. Entity.

(b) Shall be:

1. In writing or contained on a videotape; and
2. Contain the signature, address, and telephone number of the person submitting the complaint; and

(c) May be filed by the board or board member based upon information in its possession.

(2) A videotaped complaint shall be accompanied by a form provided by the board.

(3) Upon receipt of the complaint a copy of the complaint shall be sent to the licensee named in the complaint along with a request for the licensee's response to the complaint. The

individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.

Section 3. Initial Review. (1) After the receipt of a complaint and the expiration of the period for the licensee's response, the case manager or the complaint screening committee shall consider the complaint, the licensee's response, and any other relevant material available and make a recommendation to the board. The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines before formal investigation that a complaint is without merit, it shall:

- (a) Dismiss the complaint; and
 - (b) Notify the complainant and licensee of the board's decision.
- (3) If the board determines that a complaint warrants a formal investigation, it shall:
- (a) Authorize an investigation into the matter; and
 - (b) Order a report to be made to the case manager or the complaint screening committee at the earliest opportunity.

Section 4. Results of Formal Investigation; Board Decision on Hearing. (1) Upon completion of the formal investigation, the investigator shall submit a written report to the case manager or the complaint screening committee of the facts regarding the complaint. The case manager or the complaint screening committee shall review the investigative report and make a recommendation to the board. The board shall determine whether there has been a prima facie violation of KRS 309.300 to 309.319 or the administrative regulations promulgated thereunder and if a formal complaint should be filed.

(2) If the board determines that a complaint does not warrant issuance of a formal complaint, it shall:

- (a) Dismiss the complaint; and
 - (b) Notify the complainant and respondent of the board's decision.
- (3) If the board determines that a violation has occurred but is not serious, the board may issue a written admonishment to the licensee in accordance with KRS 309.316(4).

(4) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the board attorney in conjunction with the case manager or the complaint screening committee shall prepare a formal complaint which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chairman and served upon the individual as required by KRS Chapter 13B.

(5) If the board determines that a person may be in violation of KRS 309.301(1), it shall:

- (a) Order the individual to cease and desist from further violations of KRS 309.301(1);
- (b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 309.301(1) with a request that appropriate action be taken under KRS 309.319; or
- (c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 309.301(1) pursuant to KRS 309.304(7).

Section 5. Settlement by Informal Proceedings. (1) The board through counsel and the case manager or the complaint screening committee may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chairman.

(3) The board may employ mediation as a method of resolving the matter informally.

Section 6. Notice and Service of Process. A notice required by KRS 309.300 to 309.319 or this administrative regulation shall be issued pursuant to KRS Chapter 13B.

Section 7. Notification. The board shall make public:

(1) Its final order in a disciplinary action under KRS 309.316(3) with the exception of a written admonishment issued pursuant to Section 4(3) of this administrative regulation; and

(2) An action to restrain or enjoin a violation of KRS 309.301(1).

Section 8. Incorporation by Reference. (1) "Complaint Form," 2001 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5:00 p.m.

201 KAR 39:120. Code of ethics.

RELATES TO: KRS 309.304(3), 309.318(1)(e), (f)

STATUTORY AUTHORITY: KRS 309.304(3), 309.318(1)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.318(1)(e) and (f) authorizes the board to take disciplinary action against a licensee who violates any state statute or administrative regulation governing the practice of interpreting or violates the code of ethics of the national organization. This administrative regulation establishes the code of ethics in accordance with KRS 309.318(1)(f).

Section 1. A licensee shall abide by the following standards of professional and ethical conduct:

(1) A licensee shall keep all assignment-related information strictly confidential. From the moment of accepting the assignment, the interpreter holds a trustworthy relationship with the consumer, in which the interpreter is bound to confidentiality.

(a) All information obtained from the interpreter service shall be considered confidential. This applies whether the interpreter accepts or declines the assignment.

(b) All information about a consumer that is received from other interpreters shall be considered confidential and shall be exchanged in a manner which protects both the consumer and the assignment.

(c) The interpreter shall comply with the requirements of KRS 620.030.

(2) A licensee shall faithfully convey the content and spirit of the speaker using language most readily understood by the persons whom they serve. Every interpretation shall be faithful to the message of the source text. A faithful interpretation should not be confused with a literal interpretation. The fidelity of an interpretation includes an adaptation to make the form, the tone, and the deeper meaning of the source text felt in the target language and culture.

(3) A licensee shall possess the knowledge and skills to support accurate and appropriate interpretation. A licensee works in a variety of settings and with a wide range of consumers and therefore shall be adept at meeting the linguistic needs of consumers, the cultural dynamics of each situation, and the spirit and content of the discourse.

(4) A licensee shall not counsel, advise or interject personal opinions.

(a) An interpreter shall remain neutral, impartial, and objective. Should the interpreter find himself or herself unable to put aside personal biases or reactions which threaten impartiality, the interpreter is under an obligation to examine options and take actions to remedy the situation.

(b) An interpreter shall refrain from altering a message for political, religious, moral, or philosophical reasons, or for any other biased or subjective considerations.

(c) The interpreter shall advise the consumer that he or she assumes a position of neutrality in the relationship between all parties during an interpreting assignment. The interpreter shall not become personally involved in regards to the issues or persons present at the interpreting assignment.

(5) A licensee shall accept assignments using discretion with regard to skill, setting, and the consumers involved.

(a) An interpreter shall recognize the need for a deaf interpreter and advocate their participation as part of the interpreting team. A deaf interpreter may be necessary when working

with individuals who use regional sign dialects, nonstandard signs, foreign sign languages, and those with emerging language use.

(b) An interpreter shall generally refrain from providing services in situations where family members, personal or business associations may affect impartiality. In an emergency situation, an interpreter may provide services for family members, friends or business associates. In those situations, the interpreter shall guard against allowing his personal involvement to affect his ability to interpret impartially. If the interpreter finds that he or she can no longer be impartial, the interpreter shall inform the parties involved and may assist in finding another interpreter.

(6) Prior to accepting an engagement for services, a licensee shall advise the party responsible for payment of the services to be provided of the amount of compensation to be charged for the services.

(7) A licensee shall not advertise his or her services in a false, deceptive or misleading manner.

(8) A licensee shall function in a manner appropriate to the situation. An interpreter shall attempt to become familiar with the anticipated discussion topic, type of activity, level of formality, expected behaviors, and possible presentational materials prior to commencement of the assignment.